Paper No. 16

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte SCOTT C. BAKER and CHARLES T. HEMPHILL

Appeal No. 2000-1524
Application No. 08/943,711

ON BRIEF

Before KRASS, JERRY SMITH, and BARRETT, Administrative Patent Judges.

KRASS, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the final rejection of claims 1-20, all of the pending claims.

The invention pertains to speech recognition and, more particularly, to a system and method for adding speech

recognition capabilities to Java. As explained at page 4 of the instant specification, the "present invention provides important technical advantages including the ability to easily encode state information in a Java application. Unlike HTML, which is stateless, Java is a full programming language capable of efficiently carrying the necessary state information. Moreover, because Java is a full programming language, the present invention facilitates speech enablement of any Java program application, and is not limited to Web browsing applications."

Representative independent claim 1 is reproduced as follows:

1. A system for facilitating a speech interface to Java comprising:

a speech recognition server operable to receive a grammar and a speech input, the speech recognition server further operable to perform speech recognition in response to the speech input and to generate a result based on the grammar;

at least one Java application operable to dynamically specify the grammar, to receive the result and to perform an action based on the result; and

an application program interface operable to receive the grammar, to communicate the grammar to the speech recognition server and, in response to the speech recognition, to receive

the result from the speech recognition server and to communicate the result to the Java application.

The examiner relies on the following reference:

Sarukkai et al. [Sarukkai] 5,819,220 Oct. 6, 1998
(filed Sep. 30, 1996)

Claims 1-20 stand rejected under 35 U.S.C. 102(e) as anticipated by Sarukkai.

Reference is made to the briefs and answer for the respective positions of appellants and the examiner.

OPINION

Anticipation under 35 U.S.C. 102(e) is established only when a single prior art reference discloses, expressly or under the principles of inherency, each and every element of a claimed invention as well as disclosing structure which is capable of performing the recited functional limitations. RCA Corp. V. Applied Digital Data Systems, Inc., 730 F.2d 1440, 1444, 221 USPQ 385, 388 (Fed. Cir.); cert. dismissed, 468 U.S. 1228 (1984); W.L. Gore and Associates, Inc. V. Garlock, Inc.,

721 F.2d 1540, 1554, 220 USPQ 303, 313 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984).

At page 4 of the answer, the examiner points out how claim 1 is read on the disclosure of Sarukkai. The elements of independent claims 11 and 18, similar to those of independent claim 1, are read on the disclosure of Sarukkai in a similar manner. Accordingly, we will focus on independent claim 1.

For a system for facilitating a speech interface to Java, the examiner points to the abstract of Sarukkai. The examiner identifies Figure 3, the abstract and column 5, lines 46-56, of the reference for the claimed "speech recognition server." The examiner again relies on column 5, lines 46-56, with the addition of line 57, of Sarukkai for the teaching of the claimed "at least one Java application operable to dynamically specify the grammar, to receive the result and to perform an action based on the result." Finally, the examiner points to the appendices of Sarukkai and to column 6, lines 54-67, and column 7, lines 1-9, as the claimed "application program interface..."

We have reviewed the portions of Sarukkai identified by the examiner but we do not find therein a disclosure or a suggestion of the instant claimed subject matter.

In particular, it appears to us that Sarukkai uses a Java program to access web pages but we find nothing in the reference suggestive of a Java application "operable to dynamically specify the grammar, to receive the result and to perform an action based on the result," as claimed.

The examiner points to Figure 3 of the reference, and it is true that that figure discloses a box 34 which appears to indicate that some language or acoustic model, as well as speech recognition search parameters, are somehow updated or modified. Since the Java program appears to be responsible for the generation of a web-triggered word-set list and this list is then used in some manner for the update or modification, there may be some connection between the Java application and speech recognition generating an updated result. However, the specific connection is not clear from Sarukkai's disclosure and a rejection under 35 U.S.C. 102 may not be based on speculation.

In any event, there is no clear disclosure in Sarukkai of

any Java application "operable to dynamically specify the grammar..." Moreover, even if Sarukkai could be interpreted to find an application program interface between the Java application and a speech recognition server, there is certainly no indication therein that any such interface would be operable in a two-way manner, as required by the instant claims. That is, the instant claimed subject matter provides for the speech recognition server to receive a grammar and a speech input and to output a speech recognition result based on these inputs. The Java application specifies the grammar and also receives the result from the speech recognition server. The Java application performs an action based on the speech recognition server result. An application program interface provides for this two-way communication between the Java application specifying the grammar and the speech recognition server receiving the grammar, performing a processing operation based on the grammar and a speech input, and sending a result back to the Java application. No such two-way communication between a speech recognition server and a Java application, via an application program interface, is indicated in the disclosure of Sarukkai. Thus, even if

Sarrukai could be said to disclose a Java application which generates what could be considered a “grammar,” there is no disclosure in Sarrukai that that “grammar” is then used by a speech recognition server in conjunction with a speech input to output a result which is then sent back to the Java application to perform an action based on that result.

Accordingly, the examiner’s decision rejecting claims 1-20 under 35 U.S.C. 102(e) is reversed.

REVERSED

ERROL A. KRASS Administrative Patent Judge	)	
JERRY SMITH Administrative Patent Judge	)	BOARD OF PATENT APPEALS AND INTERFERENCES
LEE E. BARRETT Administrative Patent Judge	)	

EK/RWK

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